

Tennessee Board of Electrolysis Examiners



Newsletter

Spring 2005

A regulatory agency of the State of Tennessee

No. 1

Cordell Hull Building, First Floor, 425 Fifth Avenue North, Nashville, TN 37247-1010
(615) 532-3202 or 1-800-778-4123

• <http://tennessee.gov/health>
Fax: (615) 741-7698

The Board of Electrolysis Examiners has the duty and responsibility to function in such a manner as to promote and protect the public's health, safety and welfare. Thus, the Board must review licensure applications and determine whether the applicant is qualified to be issued a license in accordance with the facts, the law and the regulatory statutes governing the profession, public welfare demanding it.



Difference Between Statutes and Rules

Many Electrolysis Examiners do not understand the difference between the statutes and rules governing the Board of Electrolysis Examiners.

The statutes, T.C.A. §§ 63-26-101, *et seq.*, are the laws that are passed by the General Assembly during the legislation session. The bills, which the legislators sponsor and vote on, are sometimes drafted by the associations or other organizations which lobby for that statute change.

The rules of the Board of Electrolysis Examiners are drafted for the board by the board's administrative office and/or the Rules Coordinator for Health Related Boards for the board's review and vote. Rules are to clarify and enact the statutes. All rules adopted by the board must be based on the statutory authority granted to the board by the statutes passed by the General Assembly. No rule will become effective if the statutory authority does not exist under the current statutes. All rules adopted by the board are reviewed by attorneys from the Office of General Counsel and the Office of the Attorney General before they are allowed to become effective. The steps in the process for rules are as follows:

The proposed rules are presented to the board at a regularly scheduled board meeting. After the board reviews the proposed rules, the board votes on whether to send them to rulemaking hearing. If they vote not to send them to rule making hearing, the rules are either redrafted or "die", depending on the instruction of the board.

If the proposed rules are sent to rulemaking hearing, a date for the hearing is set by the Rules Coordinator and the proposed rules are published in the Tennessee Administrative Register (TAR) in accordance with state

statutes and regulations. Any licensee, association, public citizen, or other interested individuals or groups can submit comments regarding the proposed rules, whether for or against the proposed rules, on or before the date of the rulemaking hearing. Once the Rules Coordinator closes the record of the rulemaking hearing, no more comments may be accepted for the record.

At the next scheduled meeting of the board, the proposed rules and the comments received from the rulemaking hearing are presented to the board for review. At this time, the board may make changes to the proposed rules based on comments received at the rulemaking hearing, make no changes to the proposed rules, and/or vote on the proposed rules. All comments received by the board are considered by the board. A written response will be sent to each person or entity making a comment after the board has made a decision on the proposed rules. If the board passes the rule, amended or not, they are then sent to the Office of General Counsel and then forwarded to the Office of the Attorney General for review.

If a rule does not have clear statutory authority, the attorneys can send the rule back to the board for corrections. The attorneys can send the rules back to the board's administrative office for spelling, grammar, and other minor corrections that do not change the board's intent for the proposed rules. Once the attorneys approve the proposed rules, they are filed with the Secretary of State's office. The proposed rules become effective 75 days after the filing date.

Reporting Violations of Statutes and Rules

If you know that a electrolygy professional is practicing without a license or, practicing outside their scope of practice, or in violation of any of the statutes and rules, you can report the electrolygy professional to the Office of Investigations at 1-800-852-2187 or by downloading a complaint form from the Board's web site. Complaints can be filed anonymously.

Homeland Security

Health Related Boards (HRB) is assisting the Tennessee Office of Homeland Security and Department of Health in preparing the State for emergency or crisis situations. Whether the crisis is the result of an act of bioterrorism or the rapid spread of a communicable disease such as SARS, it is imperative that our health care community have a mechanism in place to organize and address the situation in a reasonable and timely manner.

It is the task of Health Related Boards to obtain and record email addresses and/or fax numbers for individual health care professionals. This data will then be used in a crisis or emergency situation to immediately alert health care providers throughout the State of Tennessee of the situation and plan of action. The information gathered will not be shared outside of state government.

Please contact your HRB profession office today and provide this vital information for the health, safety and welfare of the citizens of the State of Tennessee. You may utilize the on-line Change of Address option on the board website at <http://tennessee.gov/health>, fax it to (615) 741-7698, or email it to Pamela.Pitts@state.tn.us

HRB Customer Survey



Health Related Boards (HRB) is conducting a customer survey to assist in determining ways to improve services provided to licensees, applicants, and the public.

If you want to help us in this endeavor, please print the survey from the Noteworthy section of the board's website or call the board's administrative office at 1-800-778-4123 ext. 25135 or 615-532-3202 ext. 25135 for one to be mailed to you. Completed surveys should be mailed to the address listed on the form.



Renewal Fee Increase

Effective June 1, 2003 the biennial renewal fee for the board of Electrolysis Examiners was increased from \$ 340.00 to \$ 680.00 (Rule 0540-1-.06). A public rulemaking hearing giving notice of the Board's intent to raise fees had been previously held on July 16, 2002. Additionally, there is a \$ 10.00 State Regulatory fee added to all initial applications and renewal applications throughout state government.

Active Licenses as of May, 2005

"Electrolysis Examiners"

Active Licensees 60

Retired Licensees 33

Failed to Renew 48



New Toll-free Number for Health Related Boards

The Division of Health Related Boards, which includes the Board of Electrolysis Examiners, has a new toll-free telephone number. The new number is 1-800-778-4123. Board of Electrolysis Examiners Fax Number is 615-741-7698.

CHANGES OF ADDRESS

Report all address changes in writing within 30 days of the address change.

**Your name and license number;
Your profession;
Your old address and phone number;
Your new address and phone number, e-mail address, and/or your fax number; and
Your SIGNATURE!**

must be reported in writing or by web) within 30 days!



Deposit of Fees Received

All application fees received by the State of Tennessee and the Board of Electrolysis Examiners are deposited by the state within 24 hours of receipt. The actual application that accompanies the fee is not received by the board's administrative staff until after the fee has been deposited. A fee being deposited does **not** mean that your application is complete or approved. All applications are reviewed for completeness. For those incomplete applications, a certified letter will be sent to the applicant or licensee requesting the information required to complete the application. The application will not be processed until the information required is properly submitted. Approval of applications does not occur until after the completed application is processed by the Board staff. Although most applications are approved, do not make that assumption. You will be notified of the approval or denial of the application.

Applications and fees will **not** be returned to the applicant or licensee. Money orders and checks must be made payable to the Tennessee Department of Health or the Tennessee Board of Electrolysis Examiners.

Consumer Right-To-Know

The Health Care Consumer Right-To-Know Act of 1998, T.C.A. § 63-51-101 et seq., requires designated licensed health professionals to furnish certain information to the Tennessee Department of Health. The information for public dissemination includes: (1) A description of any criminal convictions for felonies within the most recent ten (10) years. (2) A description of any final disciplinary actions of licensing boards in other states within the most recent ten (10) years. (3) A description of revocation or involuntary restriction of hospital privileges for reasons related to competence or character that has been taken by the hospital's governing body or any other official action of the hospital after procedural due process has been afforded, or the resignation from or non-renewal of medical staff membership or the restriction of privileges at a hospital taken in lieu of or in settlement of a pending competence or character in that hospital. Only cases which have occurred within the most recent ten (10) years shall be disclosed by the Department to the public. (4) All medical malpractice court judgments, all medical malpractice arbitration awards in which a payment is awarded to a complaining party and all settlements of medical malpractice claims in which a payment is made to a complaining party beginning with reports for 1998 and each subsequent year; provided, such reports shall not be disseminated beyond the most recent ten-year period, but shall include the most recent ten-year period for which reports have been filed. From the information submitted, the Department will compile a practitioner profile, which is required to be made available to the public via the Internet and toll-free telephone line after May 1, 1999.

Each practitioner who has submitted information must update that information in writing by notifying the Department of Health, Healthcare Provider Information Unit, within 30 days after the occurrence of an event or an attainment of a status that is required to be reported by the law. A copy of your initial or updated profile will be furnished to you for your approval prior to publication. That opportunity will allow you to make corrections, additions and helpful explanatory comments.

Failure to comply with the requirement to submit and update profiling information constitutes a ground for disciplinary action against your license.

A blank copy of the profile may be obtained from the following address: tennessee.gov/health. Click on "Forms & Publications"; click on the appropriate board; click on "Mandatory Practitioner Profile Questionnaire for Licensed Health Care Providers".

Board Meeting Dates for 2005

May 19, 2005 and October 20, 2005. Meetings are at 9:00am, Cumberland Room 1st Floor Cordell Hull Bldg., Nashville.



Continuing Education Audit

A continuing education audit was conducted. 80% of those audited complied with the continuing education requirements. 13.3% paid the civil penalties and submitted continuing education. 6.7% were sent to Investigation for failure to comply.



Discipline

The office of Investigations is responsible for receiving and processing all complaints for the licensure boards. The following is the result of two complaints received by the Board of Electrolysis Examiners for the calendar year of 2004.

Ms. Cynthia Goforth worked without an Electrolysis license from October 1995, through December 2003. Ms Goforth will pay a total penalty of \$ 2, 000.00. Her license will be reinstated.

Ms. Marretta Herrin worked previously without an Electrolysis license. Her license was revoked as of December 3, 2004.



Renewing By Internet

The Bureau of Health Licensure and Regulation has implemented a new electronic program, making the renewal of licensure possible via the Internet.

Practitioners may access the online service at www.tennessee.gov/health to renew their licenses up to 120 days prior to the expiration date of the license. Licensure information can be updated in a secure environment.

How to renew online

-Step 1: Login - Select our board and your profession and enter your license number.

-Step 2: Update your Information - Change your home and/or office address, add your e-mail address, and/or your fax number.

-Step 3: Enter your renewal information - Answer all necessary questions, as if you were completing your hard-copy form.

-Step 4: Payment - Enter your credit card information through the secure site and choose "submit". Only choose the submit button once.

What happens next?

If you have met all of the criteria necessary, your renewal certificate will be mailed to you in approximately one week. Information will be available on the department's website the next business day.

**Tennessee Board of Electrolysis Examiners
First Floor, Cordell Hull Building
425 Fifth Avenue North
Nashville, TN 37247-1010**

**Tennessee Board of Electrolysis Examiners
Board Members as of March, 2004**

Mr. William McClain
Board Chair
Knoxville, TN

Mr. Eldon Pippin
Board Secretary
Cookeville, TN

Mr. Richard Collier
Board Educator
White House, TN

Dr. John C. Frist, Jr., MD
Board Physician
Nashville, TN

Robbie Bell
Director of Health Related Boards
Ex Officio Member

Board/ Staff

Ms. Marva Swann
Unit Director

Ms. Pamela Pitts
Board Administrator

Ms. Dianne Birkner
Unit Manager

Ms. Ladye Butler
Licensing Tech

Mr. Jerry Kosten
Rules and Regulations Manager

Ms. Carol Baunach
Administrative Assistant